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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

TRAVIS HAMMOND,

Defendant and Appellant.

B290353

(Los Angeles County
Super. Ct. No. YA097391)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Edmund W. Clarke, Judge. Affirmed.

Donna Ford, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Finding no arguable issues on appeal, we affirm the judgment of conviction.

On January 17, 2018, appellant Travis Hammond was charged by information with one count of second degree robbery (Pen. Code, § 211).¹ The information alleged Hammond suffered one prior conviction of a serious and/or violent felony as defined in section 667, subdivision (d) and section 1170.12, subdivision (b), and was therefore subject to the sentencing provisions of section 667, subdivisions (b)-(j) and section 1170.12. The information also alleged Hammond suffered four prior convictions pursuant to section 667.5, subdivision (b) for which he served a prison term, and that he did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

On March 21, 2018, Hammond made a *Romero* motion to strike his prior pursuant to section 1385 on the grounds that the robbery was “arguably on the extreme low end” of what constitutes a violent crime, and that his prior strike allegation occurred more than two decades ago when he was a minor. On April 3, 2018, the court denied the motion without prejudice.

On April 20, 2018 the court granted Hammond’s motion to bifurcate the issue of the prior convictions.

At trial, the prosecution put forth the following evidence. On December 17, 2017, Hammond entered the Target store in Inglewood. Cornelius Burford, an asset protection employee working in the surveillance room, noticed Hammond because he

¹ All statutory references are to the Penal Code unless otherwise indicated.

wore an oversized jacket. Burford began watching him on the camera recording system and observed Hammond put various items of clothing in a shopping cart. Burford observed Hammond rip the tags off a pair of shoes and put them in his cart. Hammond then went to the automotive section, ripped the tags off a backpack, and stuffed the items in the cart into the backpack. Burford then observed Hammond put the backpack over his shoulder, grab a banana, bypass the registers, and head toward the exit.

Burford radioed Brian Zelaya, who worked security at the store, and told him there was a possible theft underway. Burford instructed Zelaya to apprehend Hammond if he exited the store. Burford stopped watching the video and ran outside to assist Zelaya.

Zelaya was stationed outside the front of the store, behind a wall so that customers could not see him when they exit. His Target security uniform consists of a blue shirt and khaki pants. The blue shirt has "Security" written on the back, and he wears a badge labeled "Security." Once Hammond exited the store, Zelaya sprang from behind the wall, grabbed Hammond, and began pushing him back into the store. Zelaya told Hammond to return the merchandise, and told him to step back inside the store. Zelaya testified that he identified himself to Hammond as Target security. After Hammond took a few steps back into the store, he threw his arms down and tried to run. Zelaya moved to the side and Hammond started "throwing punches," striking Zelaya once on the lip.

When Burford arrived, he observed Hammond swinging his arms "wildly." He saw Zelaya grab his lip and observed a little

blood. Burford and Zelaya saw Hammond run away with the backpack.

After the People rested their case, Hammond moved to dismiss the charges pursuant to section 1118.1. The court denied the motion.

Hammond testified he went to Target with the intent to steal. He had no money, and intended to sell the stolen items. Hammond picked out an L.A. Rams shirt and children's clothing. He did not take the shoes because they did not fit. Hammond testified he put the items he intended to steal in a backpack. As Hammond exited the store, a "white guy came out of nowhere" and grabbed him. Hammond was scared, so he hit the man and ran. Hammond testified he did not see the man wearing a badge or uniform, and the man did not say anything to him.

On April 24, 2018, the jury found Hammond guilty of second degree robbery.

On May 22, 2018, the court found that the juvenile strike prior had not been proven beyond a reasonable doubt, and further found that the four prior prison term enhancements had been proven beyond a reasonable doubt. The People proved up Hammond's prior prison terms with abstracts of judgment, a document tracking Hammond's movement through various prisons and facilities within the California Department of Corrections and Rehabilitation, fingerprint cards, and a photograph of Hammond taken by the CDCR on the day he was released from one of his prior prison terms.

On May 22, 2018, the court sentenced Hammond to a term of seven years, consisting of the mid-term of three years for the second degree robbery, plus one year each for the four prior prison term enhancements pursuant to section 667.5, subdivision

(b). The court awarded Hammond 313 days of custody credit, consisting of 157 actual and 156 good time/work time credits. The court also ordered Hammond to pay a \$300 restitution fine, a \$40 court operations assessment, a \$30 criminal conviction assessment, and a \$10 crime prevention fund fine. The court also ordered a \$300 parole/postrelease supervision revocation restitution fine, and stayed the fine unless parole or postrelease supervision is revoked and Hammond is returned to prison.

We have examined the entire record and are satisfied that Hammond's counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

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STRATTON, J.

We concur:

GRIMES, Acting P. J.

WILEY, J.